

16-a-5493

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

16 5493



**DEFINITION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.
BANKRUPTCY RECORD ON APPEAL****

Address of Plaintiff: IN RE: 3281 Red Lion Rd, Apt-1
 Post office: Phila, PA 19124 County: _____
 Address of Defendant: _____
 Post office: _____ County: _____
 Place of incident, or transaction: _____
 Post office: _____ County: _____

(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY: _____

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes in answered to any of the following questions:

- 1.) Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
- 2.) Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
- 3.) Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☐Yes ☐ No ☐Yes ☐ No ☐CIVIL: (Place (X) in ONE CATEGORY ONLY)**A. Federal Question Cases**

- 1.) ☐ Indemnity Contract, Marine Contract, and all Other Contracts
- 2.) ☐ FELA
- 3.) ☐ Jones Act-Personal Injury
- 4.) ☐ Antitrust
- 5.) ☐ Patent
- 6.) ☐ Labor-Management Relations
- 7.) ☐ Civil Rights
- 8.) ☐ Habeas Corpus
- 9.) ☐ Securities Act(s) Cases
- 10.) ☐ Social Security Review Cases (Please Specify)
- 11.) ☒ All other Federal Question Cases (Please specify)
Bankruptcy Appeal

B. Diversity Jurisdiction Cases:

- 1.) ☐ Insurance Contract and Other Contracts
- 2.) ☐ Airplane Personal Injury
- 3.) ☐ Assault, Defamation
- 4.) ☐ Marine Personal Injury
- 5.) ☐ Motor Vehicle Personal Injury
- 6.) ☐ Other Personal Injury (Please specify)
- 7.) ☐ Products Liability
- 8.) ☐ Products Liability - Asbestos
- 9.) ☐ All other Diversity Cases (Please Specify)

ARBITRATION CERTIFICATION

I, _____, counsel of record do hereby certify pursuant to Local Civil Rule 8, Section 4(a)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Date

Deputy Clerk

(X) BANKRUPTCY APPEAL

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Date

Deputy Clerk

CIV 609 (7/98)

OCT 19 2016

CMR

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

In Re: John J. Lynch v. _____

CIVIL ACTION

16 5493

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

10/19/16
Date

Glebe Torres
Attorney-at-law

Deputy Clerk
Attorney for

Telephone

FAX Number

E-Mail Address

OCT 19 2016

CMR

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299

Timothy B. McGrath
Clerk

Telephone
(215) 408-2800

October 18, 2016

Re: John J. Lynch, Plaintiff
vs.
Evelyn Rivera, Defendant
Bank of America, Defendant
Bayshore Loan Servicing, Defendant
KLM Group, Inc., Defendant

16 5493

Bankruptcy No.: 16-16269AMC Adversary No. 16-301AMC
Civil Action No.

Dear Mr Kunz:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- (X) Certificate of appeal from order entered 9/27/16 and dated 9/26/16 by the Honorable Ashely M. Chan.
Notice of appeal filing fee ()paid (X)not paid
- () Designation of Record on Appeal Filed
- () Designation of Record on Appeal Not Filed
- () Supplemental certificate of appeal.
- () Motion for leave to appeal filed .
() Answer to motion filed .
- () Proposed findings of fact and conclusions of law entered by the Honorable .
() Objections filed .
- () Report and recommendation entered by the Honorable .
() Objections filed .
- () Original record transferred to the District Court pursuant to the order of the Honorable .
- () Other:

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

By: Clacey
Deputy Clerk

Received Above material or record tile this 18th day of October, 20 16.

Civil Action No. 16 5493 Signature: Steve Tomas

Miscellaneous No. Date: OCT 19 2016

Assigned to Judge Rube

OCT 19 2016

727OBJ, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Adversary Proceeding #: 16-00301-amc**

Assigned to: Judge Ashely M. Chan*Date Filed:* 09/12/16*Lead BK Case:* 16-16269*Lead BK Title:* Evelyn Rivera*Lead BK Chapter:* 7*Demand:* \$50000**16 5493**

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property
31 Approval of sale of property of estate and of a co-owner - 363(h)
41 Objection / revocation of discharge - 727(c),(d),(e)
68 Dischargeability - 523(a)(6), willful and malicious injury
91 Declaratory judgment

Plaintiff

John J. Lynch
3281 Red Lion Road
Apt. #1
Philadelphia, PA 19114

represented by **John J. Lynch**
PRO SE

V.

Defendant

Evelyn Rivera
10814 Modena Ter
Philadelphia, PA 19154
SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**
Community Legal Services
North Philadelphia Law Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org
LEAD ATTORNEY

Defendant

BANK OF AMERICArepresented by **KEVIN G. MCDONALD**

Blank Rome LLP

One Logan Square

Philadelphia, PA 19103

215-569-5582

Fax : 215-832-5582

Email: KMcDonald@blankrome.com***Defendant***
-----**Bayshore Loan Servicing**represented by **KEVIN G. MCDONALD**

(See above for address)

Defendant
-----**KML Group, Inc.**represented by **THOMAS I. PULEO**

KML Law Group, P.C.

701 Market Street




Suite 5000









Philadelphia, PA 19106

(215) 627-1322

Fax : (215) 627-7734

Email: tpuleo@kmlawgroup.com

Filing Date	#	Docket Text
09/12/2016	 <u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u>). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,

		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>4</u>	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u>). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	 <u>5</u>	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	 <u>6</u>	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u>). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	 <u>7</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u>)). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	 <u>8</u>	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	 <u>9</u>	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	 <u>10</u>	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>11</u>	Notice of Appearance and Request for Notice <i>with Certificate of</i>

		Service by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/12/2016	● <u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u>). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	● <u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	● <u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u>). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)

A TRUE COPY CERTIFIED
TO FROM THE RECORD

DATED: 10-18-16

ATTEST: [Signature]

Deputy Clerk

U.S. Bankruptcy Court

Designation due 10-28-16
Transmission - 11-11-16

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Evelyn Rivera
Debtor

John J. Lynch
Plaintiff
v.

Evelyn Rivera
Defendant

Chapter 7

OCT 14 2016

Bankruptcy No. 16-16269AMC

Adversary No. 16-00301AMC

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): John J. Lynch
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☒ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: denial of Informal Papers
2. State the date on which the judgment, order, or decree was entered: 9-26-16

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Defendant Attorney: Jennifer Schultz Esq
Rivera Community Legal Aid

2. Party: Bank of America Attorney: KML Legal Reps
Bayview Loan Serv 701 Market St
Phila PA 19106

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

John J. Lynch
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 10-4-16

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

John J. Lynch
3281 Red Lion Rd Apt #1
Shiloh, OH, 44714

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

cc: Judge Chun
District Court
Jennifer Schultz, atty for defendant
Kevin McDonald - atty for defendant
Thomas Puleo - atty for defendant
U.S. Trustee
Mary Setz, Trustee
John J. Lynch,

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Chapter 7
Evelyn Rivera	:	
Debtor	:	Bankruptcy No. 16-16269AMC
<hr/>	:	
John J. Lynch	:	
Plaintiff	:	
v.	:	
Evelyn Rivera	:	
Defendant	:	Adversary No. 16-00301AMC
<hr/>	:	

ORDER

AND NOW, upon consideration of the Petition to Proceed in Forma Pauperis,

It is hereby **ORDERED** that the Petition is **DENIED**.

Plaintiff shall have thirty (30) days from the date of this order to pay the required filing fee.



Ashley M. Chan
United States Bankruptcy Judge

Date: September 26, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE : EVELYN RIVERA

CHAPTER 7 NO.#16-16269 AMC

JOHN J. LYNCH

:

ADVERSARY NO.#16-00301 AMC

V.

:

EVELYN RIVERA

:

APPELLANTS PETITION TO PROCEED IN FORMA PAUPERIS

To the Honorable Chief judge and or any of the several judges comprising the
Court;

The appellant plaintiff in adversary does here by request leave to proceed IN
FORMA PAUPERIS and represents the following in support of this request:

1. I am the plaintiff adversary appellant in the above captioned matter and that because of bmy financial condition am unable to pay the fees and cost of prosecuting the appeal.
2. I am unable to obtain funds from anyone including my family and associates / friends to pay the cost of the appeal.
3. That this case involves the permanent injury to the appellants left eye by the appellees deliberate willful and malicious disobedience in opening plaintiffs door at a time when there was violence and danger on the other side when told not to by the plaintiff in result the injury.
4. I represent that the information below relating to my ability to pay the fees and cost is true and correct:

A) My name is John J. Lynch and I reside in an apartment at 3281 Red Lion Rd Phila Pa.,19114 this is a HUDVASH program apartment.subsidized housing for vets.

B) I am not employed I live on a fixed limited income a federal pension only 1072.00 a month and only 26.00 in food stamps.

C) Other income :

Buisness or profession : none

Other self employment : NONE

Interest : none

Dividends :none

Pensions and annuities : Veterans non serv con disability pension 1072.00

Social Security benefits : none

Disability payments : none

Unemployment compensation and supplemental benefits :none

Workerscompensation :none

Public assistance : only the food stamps

Other : Some help from churches with some food

D)Other contributions to household :NONE

E)Property owned

CASH : 70.00

Checking : 100.00 after everything is paid

Savings account: none

Certificate of deposit : none

Real estate NONE

Motor vehicle :1999 chevy Malibu sdn. cost 500.00

F) Debts and obligations : rent 195.00

Electric : 75.00

Gas : 53.00

Phone :40.00

Netzero: 45.00

G) Persons dependant upon you for support if I had any support to give it

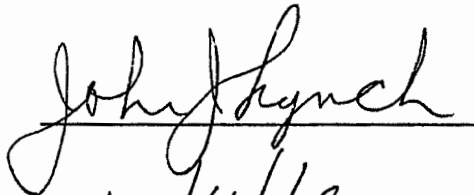
would be mom 80 yrs old and my grand children 4 of them.Elizabeth

Lynch mom and Owen Adam Kyle and Evan Lynch Grand kids.

4.I understand that I have a continuing obligation to inform the court of improvements in my financial circumstances which would permit me to pay the cost incurred herein.

5. I John J. Lynch hereby swear affirm and or otherwise verify that the statements made in this Petition are true and correct as they relate to my financial condition and my ability to and request for the in forma pauperis relief petitioned for herein that these statements are made pursuant to the provisions and penalties for giving such information fraudulently to the court in the United States Code .

RESPECTFULLY SUBMITTED


10/4/16


**Department of
Veterans Affairs**

PO BOX 8079
PHILADELPHIA PA 19101

March 25, 2016

Veteran's Name:
Lynch, John, J

JOHN J LYNCH
3281 RED LION RD APT
1
PHILADELPHIA PA 19114

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

--America is Grateful to You for Your Service--

Our records contain the following information:

Personal Claim Information:

Your VA claim number is: ~~178-316-5316~~

You are the Veteran

Military Information:

Your character(s) of discharge and service date(s) include:

Army, Honorable, 06-May-1974 - 12-Feb-1975

(You may have additional periods of service not listed above)

VA Benefits Information:

Service-connected disability: No

Are you receiving non-service-connected pension: Yes

The effective date of the last change to your current award was: 01-DEC-2014

Your current monthly award amount is: \$1,072.00

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

Need Additional Information or Verification?

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.va.gov>.

Sincerely yours,

Regional Office Director